Notice of Allowability	Application No.	Applicant(s)	
	09/506,361	SPINOZA, MARC HOWARD	
	Examiner	Art Unit	
	QUYNH-NHU H. VU	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *08/11/09*.

2. ☒ The allowed claim(s) is/are *81-88,90-97 and 99-101*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 06/04/07, 10/30/07, 09/23/08, 02/19/09, 3/17/10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Quynh-Nhu H. Vu/
Examiner, Art Unit 3763

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eagle Robinson on 12/10/09 and 12/14/09.

The application has been amended as follows:

Listing of Claims:

1-80. (Canceled)

81. (Currently Amended) A medical or surgical fastener for securing a tube to a patient, said medical or surgical fastener comprising:

a sterile tubular sleeve of variable length having a first aperture through which a tube can pass at a first end of the sleeve and a second aperture through which a tube can pass at the second end of the sleeve, the sleeve capable configured such that when lengthened along a length of a tube between the first and second apertures within the sleeve, the sleeve will grip the tube to exert a compressive gripping force evenly distributed around the tube and along ~~a~~ the length of the tube in the sleeve and such that the sleeve will further lengthen in response to movement of the tube to increase the compressive gripping force, and when shortened be the compressive gripping force will be released to permit the tube to move relative to the sleeve, wherein the sterile tubular sleeve has a perforated or foraminous wall that includes a plurality of filaments helically woven to define a plurality of openings in the wall; and

attachment means configured to couple the sterile tubular sleeve to a patient such that if the sleeve grips a tube the sleeve and attachment means cooperate to secure the tube to the patient.

89. (Cancelled)

92. (Currently Amended) A fastener according to claim 81 wherein the tubular sleeve has a ~~ring~~ collar at at least one end of the sleeve, the ~~ring~~ collar surrounding the first aperture or the second aperture and the

~~ring~~ collar being operable to shorten the length of the sleeve.

95. (Currently Amended) A medical or surgical fastener for securing a tube to a patient, said medical or surgical fastener comprising:

a sterile tubular sleeve of variable length having a first aperture through which a tube can pass at a first end of the sleeve and a second aperture through which a tube can pass at the second end of the sleeve, the sleeve capable configured such that when lengthened along a length of a tube between the first and second apertures within the sleeve, the sleeve will grip the tube to exert a compressive gripping force evenly distributed around the tube and along ~~a~~ the length of the tube in the sleeve and such that the sleeve will further lengthen in response to movement of the tube to increase the compressive gripping force, and when shortened the compressive gripping force will be released to permit the tube to move relative to the sleeve, wherein the sleeve has a perforated or foraminous wall that includes a plurality of filaments helically woven to define a plurality of openings; and

attachment means coupled to one of the first end and the second end of the sterile tubular sleeve and configured to couple the sleeve to a patient such that if the sleeve grips a tube the sleeve and attachment means cooperate to secure the tube to the patient; and

a ~~ring~~ collar coupled to the other of the first end and the second end of the sleeve and configured such that if the ~~ring~~ collar is moved toward the attachment means the sleeve will shorten, and if the ~~ring~~ collar is moved away from the attachment means the sleeve will lengthen, the ~~ring~~ collar surrounding the aperture in the end of the sleeve to which the ring is coupled.

98. (Canceled)

100. (Currently Amended) A fastener according to claim 95 wherein the tubular sleeve has a ~~ring at each end of the sleeve, the rings surrounding the first aperture and the second aperture respectively~~ second collar coupled to, and surrounding the aperture in, the end of the sleeve to which the attachment means is coupled.

101. (Currently Amended) A medical or surgical sterile fastener for securing a tube to a patient, said medical or surgical fastener comprising:

a sterile tubular sleeve of variable length having a first aperture through which a tube can pass at a first end of the sleeve and a second aperture through which a tube can pass at the second end of the sleeve, the sleeve configured such that when lengthened along a length of a tube between the first and second apertures within the sleeve, the sleeve will grip the tube to exert a compressive gripping force evenly distributed around the tube and along ~~a~~ the length of the tube in the sleeve and will further lengthen in response to movement of the tube to increase the compressive gripping force, and when shortened the compressive gripping force will be released to permit the tube to move relative to the sleeve, wherein the sleeve has a perforated or foraminous wall that includes a plurality of filaments helically woven to define a plurality of openings; and

attachment means coupled to one of the first end and the second end of the sterile tubular sleeve and configured to couple the sleeve to a patient such that if the sleeve grips the tube; the sleeve and attachment means cooperate to secure the tube to the patient; and

a ~~ring~~ collar coupled to the other of the first end and the second end of the sleeve such that the ~~ring~~ collar holds open the aperture in the end to which the ~~ring~~ collar is coupled so the ~~ring~~ collar is operable to shorten the sleeve by moving the ring towards the attachment means.

Allowable Subject Matter

Claims 81-88, 90-97, 99-101 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH-NHU H. VU whose telephone number is (571)272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763

/Quynh-Nhu H. Vu/
Examiner, Art Unit 3763